

# Notice of Allowability

Application No.

10/727,490

Examiner

Tony G. Soohoo

Applicant(s)

DOUGHERTY ET AL.

Art Unit

1723

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-21-2006.
2. ☒ The allowed claim(s) is/are 1,3-4,7,9,10,12-15,35-38,40 and 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview communication with Saeid Mirsafian on 06 July 2006.

3. The application has been amended as follows:

#### IN THE CLAIMS:

Cancel non-elected claims 16-31 and claims 39 and 42 without prejudice.

Amend claims 35, 38 and 40 as follows:

35. (Currently Amended) A tool comprising:  
an inner barrel [having at least one side aperture];  
an outer barrel being concentric with the inner barrel to define a first fluid chamber between the inner barrel and the outer barrel, the outer barrel having at least one side aperture;  
a corkscrew deflector disposed in the first fluid chamber;  
an outer casing concentric with the outer barrel to define a second fluid chamber between the outer barrel and the outer casing, the second fluid chamber being in fluid communication with the first fluid chamber [inner barrel] through the at least one side aperture; and

an inlet plate having a first aperture and a second aperture, the first aperture adapted to provide fluid communication between an inlet and the first fluid chamber, and the second aperture adapted to provide fluid communication between the inlet and the second fluid chamber.

38. (Currently Amended) A tool comprising:

an outer barrel having an inlet and an outlet;

an inner barrel substantially concentric with the outer barrel and disposed between the inlet and the outlet; and

a corkscrew deflector disposed between the inner barrel and the outer barrel, the corkscrew deflector coupled to an outer surface of the inner barrel and an inner surface of the outer barrel;

wherein the corkscrew deflector is adjustable between a first position having a first corkscrew angle and a second position having a second corkscrew angle different from the first corkscrew angle;

wherein a length of the inner barrel is adjustable between a first length corresponding to the first corkscrew angle and a second length corresponding to the second corkscrew angle.

40. (Currently amended) the tool of claim 38 [39], wherein the inner barrel is telescopic.

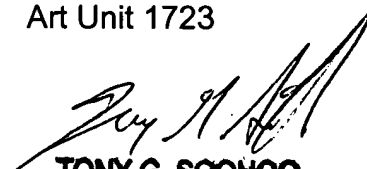
4. The examiner's amendment was initiated in order to clarify the language of the claims and to place the claims in better condition for allowance.
5. Claims 1, 3-4 7, 9, 10, 12-15, 35-38, and 40-41 are allowed.

***Drawings***

6. The drawings were received on April 17, 2006, and Oct 22, 2004. These drawings are Approved.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM, Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tony G Soohoo  
Primary Examiner  
Art Unit 1723



**TONY G. SOOHOO**  
**PRIMARY EXAMINER**